

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 SSO-00 FEA-01 USIE-00 INRE-00
NSCE-00 ERDA-05 AID-05 CEA-01 CIAE-00 COME-00
DODE-00 EB-08 FPC-01 H-01 INR-07 INT-05 L-03
NSAE-00 NSC-05 OMB-01 PM-05 OES-07 SP-02 SS-15
STR-04 TRSE-00 ACDA-07 /096 W
-----044706 152310Z /75

O 152257Z AUG 77

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC IMMEDIATE 4453

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EO 11652: N/A

TAGS: ENRG, EIND, CA

SUBJECT: CANADIAN URANIUM DEMARCHE

REF: OTTAWA 7422

1. CANADIAN ASSISTANT UNDER-SECRETARY MCPHAIL CALLED
AMBASSADOR IN AUGUST 15 TO DELIVER TWO NOTES ON URANIUM
COURT CASES (REFTEL). EXTAFF LEGAL ADVISOR COPITHORNE
ALSO PRESENT.

2. MCPHAIL SAID THAT CANADA HAD CONSIDERED BEING REPRE-
SENTED BY COUNSEL BEFORE US COURTS HEARING URANIUM CARTEL
ISSUES. HOWEVER, CANADA HAD NEVER BEEN REPRESENTED IN US
COURTS BEFORE ON ISSUES INVOLVING TWO PRIVATE PARTIES,
AND ON BOTH PRINCIPLE AND THE VOLUME OF APPEARANCES IN-
VOLVED HAD COME TO THE CONCLUSION THAT IT SHOULD NOT NOW
APPEAR. THUS IT IS ASKING AGAIN THAT THE STATE DEPART-
MENT EXPRESS ITS VIEWS TO THE COURTS INVOLVED.

3. GENERAL NOTE (REFTEL PARA 2) IS INTENDED, MCPHAIL SAID,
TO REITERATE CANADA'S BASIC POSITION, REQUEST THAT THE
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STATE DEPARTMENT MAKE THAT POSITION KNOWN, AND TO RESPOND
TO JUNE 22 VINE-MCKINNEY LETTER PASSING ON REQUESTS FROM
THE MOSS SUBCOMMITTEE ON POSSIBLE SANCTIONS THE CANADIAN
GOVERNMENT MIGHT HAVE TAKEN TOWARDS CANADIAN FIRMS THAT
HAD REFUSED TO TAKE PART IN CARTEL ACTION. MCPHAIL SAID
THERE WOULD BE NO OTHER RESPONSE TO THAT LETTER.

4. MCPHAIL SAID THAT GOC IS UNDER NO ILLUSION THAT COURTS WILL HEED THE CANADIAN POSITION.

5. AMBASSADOR ASKED WHETHER THE TWO GOVERNMENTS HAD COMMUNICATED FULLY WITH EACH OTHER ON THE ISSUES WHOSE RELEVANCE TO THE ANTI-TRUST ACTION NEITHER SIDE CONTESTED. COPITHORNE REPLIED THAT CANADA MIGHT NOT HAVE MADE FULL INFORMATION AVAILABLE ON ITS ACTIONS WHEN THE CARTEL WAS FIRST FORMED BUT THAT LAST YEAR'S STAFF LEVEL CONSULTATIONS WITH THE DEPARTMENT OF JUSTICE HAD BEEN INTENDED TO FILL THAT NEED. HE SAID THAT THE CANADIAN PAPER PRESENTED IN THOSE CONSULTATIONS MIGHT NOT BE FULLY ADEQUATE, BUT THAT CANADIANS HAD FELT SO FAR UNABLE TO CONTINUE CONSULTATIVE EXERCISE BECAUSE THEY FELT AMERICANS WERE USING THE CANADIAN PAPER AS BASIS FOR A "FISHING EXPEDITION." COPITHORNE DID NOT RULE OUT FURTHER TRANSMITTAL OF INFORMATION THROUGH GOVERNMENT CONTACTS IF THE SITUATION COULD BE AVOIDED WHEREBY CANADIAN OFFICIALS WERE GIVEN THE IMPRESSION THEY WERE BEING "PUT IN THE DOCK."

6. AMBASSADOR SAID HE WOULD TRANSMIT CANADIAN NOTES TO WASHINGTON FOR ACTION.

7. COMMENT: CANADIAN OFFICIALS ARE ACUTELY AWARE THAT URANIUM CARTEL ISSUE IS LIKELY TO GO ON FOR MANY MONTHS BEFORE RESOLUTION, AND THAT POINTS OF FRICTION BETWEEN LIMITED OFFICIAL USE

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CANADA AND THE US WILL APPEAR PERIODICALLY. IT MIGHT WELL BE USEFUL TO HAVE ANOTHER STAFF LEVEL CONSULTATION ON THE ISSUE, BUILDING ON THE ORIGINAL CANADIAN SUBMISSION AND OUR REACTION TO IT. COPITHORNE AND MCPHAIL WERE QUITE DEFINITE THAT SUCH CONSULTATIONS WOULD BE CONSISTENT WITH CURRENT CANADIAN POLICY. ENDERS

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Copy: SINGLE
Sent Date: 15-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Executive Order: N/A
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